

REMARKS

This is in response to the Office Action of March 29, 2007. Applicants gratefully acknowledge the Examiner's indication that this application contains allowable subject matter. Claim 20 is amended to specify that R^d and R^f are both hydrogen atoms, and claim 22 is amended accordingly. Claim 23 is amended as suggested by the Examiner. Claim 49 is amended to recite limitations previously incorporated by reference to claim 43. Claims 51 and 52 are amended without change of scope to be more idiomatic. Claims 53-55 and 59-62 are cancelled, without prejudice. No new matter is introduced by this Amendment. Claims 20, 22, 23, and 49-52 – all of which are believed now to be allowable – are pending in this application.

Information Disclosure Statement

On September 29, 2004, Applicants filed in this application an IDS in which the references to be considered by the Examiner were properly listed on a form PTO/SB/08a/b. The Examiner is respectfully requested to initial the citation of references on the form PTO/SB/08a/b of September 29, 2004, and to return a copy of the initialed form to Applicants.

Rejection under 35 U.S.C. § 112, 1st ¶

Claims 53-55 and 59-62 were rejected under the first paragraph of 35 U.S.C. § 112 as exceeding the scope of the enabling disclosure. Office Action, pages 4-8; see also pages 2-3. This ground of rejection is obviated by the cancellation of claims 53-55 and 59-62.

Rejection under 35 U.S.C. § 102(b)

Claims 20 and 22 were rejected under 35 U.S.C. § 102(b) as being anticipated by Simon et al., *Justus Liebigs Annalen der Chemie*, 1966, 697, 17-41. Office Action, page 3. The rejection is respectfully traversed. The Examiner argues that the reference anticipates embodiments of claims 20 and 22 when, among other things, “R¹ = Ph (h, j & k = 0).” Applicants respectfully point out that R¹ cannot be a phenyl group as alleged by the Examiner, because h, j, and k cannot all simultaneously be zero. This is because, referring to the R¹ substituent -(CO)_h-(NR^a)_j-(CR^b=CR^c)_k-Ar, claim 20 specifies that h, j and k each independently designate 0 or 1, *provided that when h and j are 0, k is 1.*

Rejection under 35 U.S.C. § 112, 2nd ¶

Claim 49 was rejected under 35 U.S.C. § 112 as failing to define the invention properly. Office Action, page 4. It is respectfully submitted that the present amendment of claim 49 obviates this ground of rejection as it is stated by the Examiner.

Double patenting rejection

Claims 20, 22, 23, and 50 were rejected on the ground of double patenting over claims 20, 22, 23, and 50 of copending application Serial No. 10/447,948. Office Action, pages 9-10; see also page 2. Inasmuch as this ground of rejection was not applied to former claim 21 and because independent claim 20 now corresponds in scope to non-rejected former claim 21, this provisional double patenting rejection has been obviated and should be withdrawn.

Objections

Objection was raised to claim 23. Office Action, page 10. The objection stated by the Examiner is obviated by the present amendment of claim 23. Objection was raised to claims 50-52 on the ground that they are dependent upon rejected base claim 20. It is respectfully submitted that the rejection of claim 20 should be withdrawn, for reasons discussed hereinabove.

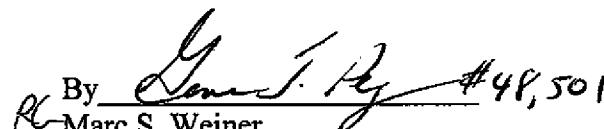
Contact information

If there are any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Richard Gallagher, Registration No. 28,781 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: September 28, 2007

Respectfully submitted,

By 
Marc S. Weiner
Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant